

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANNIE BERMAN and EDWARD BERMAN,

Plaintiffs,

v.

JANNEY MONTGOMERY SCOTT, LLC and  
MORGAN KEEGAN & COMPANY, INC.

Defendants.

Case No. 10-cv-5866 (PKC)

[ECF CASE]

**NOTICE OF PLAINTIFFS' MOTION TO  
ALTER OR AMEND THE JUDGMENT  
AND FOR LEAVE TO AMEND THE  
COMPLAINT**

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**TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that Plaintiffs will move this Court before the Honorable P. Kevin Castel, United States District Judge, on such date as the Court will determine, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007: (i) to alter or amend the Court's Judgment (Dkt. 51), dated March 18, 2011 and underlying Memorandum and Order (Dkt. 50), dated March 14, 2011, pursuant to Federal Rule of Civil Procedure 59(e), which granted Defendant Morgan Keegan's motion to dismiss without leave to amend; and (ii) for an order granting leave to file an amended complaint pursuant to Federal Rule of Civil Procedure 15(a). This Motion is supported by the accompanying Memorandum of Law, the accompanying Declaration of Brian G. Isaacson and the Exhibits annexed thereto, all of the prior pleadings and proceedings had herein, and such other written and/or oral argument, as may be presented to the Court.

Dated: Seattle, Washington  
April 15, 2011

ISAACSON & WILSON, P.S.



Brian G. Isaacson

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*Attorney for Plaintiffs Edward Berman and  
Annie Berman*

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### CERTIFICATE OF SERVICE

I certify that on April 15, 2011, I electronically filed this Notice of Motion, the Memorandum of Law in support of Motion to Alter or Amend Judgment and for Leave to File Amended Complaint, the accompanying Declaration of Brian G. Isaacson dated April 15, 2011 and the Exhibits annexed thereto with the Clerk of the Court using the CM/ECF systems which sent notification of such filings to all parties/attorneys of record.

Dated: Seattle, Washington  
April 15, 2011

ISAACSON & WILSON, P.S.



Brian G. Isaacson

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